

Serial No. 10/009,980

REMARKS

Prosecution and consideration of the claimed subject matter in the accompanying patent application is respectfully requested.

Claims 8-17 have been cancelled in view of the election. Claims 25-26 have also been cancelled. Claim 18 has been amended. Claims 18-24 are in the case and are before the Examiner.

A. The Amendments

Claims 8-17 have been cancelled in view of the restriction requirement and to speed prosecution.

Claim 26 was objected to as depending from a rejected base claim, and was said to be allowable if rewritten in independent form with the all of the limitations of the independent base claim and intervening claims. Claim 26 and claim 25 from which claim 26 depended have been cancelled and rewritten as part of amended claim 1.

B. The Action

1. Rejection Under 35 USC §102(a)

Claims 18, 19, 21-23 and 25 were rejected as being anticipated by the teachings of Meyer et al., *J.AOAC Int.*, 84:89-99 (Jan. 2001), hereinafter Meyer I. Enclosed herewith is a certified copy of the Spanish priority document P200000560 as required by 35 USC §119(b). It is believed that this basis for rejection has been overcome or is otherwise moot.

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2. Rejections Under 35 USC §102(b) and §103(a)

Claims 18, 19, 21-23 and 25 were also separately rejected as allegedly being anticipated by the teachings of Meyer et al., *J.AOAC Int.*, 78:1542-1551 (1995), hereinafter Meyer II, and Drake et al., *J. Food Protect.*, 59:1031-1036 (1996). Claim 24 was rejected as allegedly being obvious over the separate teachings of Meyer I and Drake et al. It is believed that the current amendments canceling and rewriting claims 25 and 26 as part of claim 1 have obviated all of these bases for rejection. It is thus believed that claims 18-24 are allowable on the record.

C. Summary

A certified copy of the priority document is enclosed. Withdrawn claims 8-17 have been cancelled in view of the restriction. Claims 25 and 26 have been cancelled and rewritten along with claim 1. Each basis for rejection has been dealt with and overcome or otherwise made moot.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition. This paper is being filed in duplicate.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

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Respectfully submitted,

By   
Edward P. Gamson, Reg. No. 29,381

Enclosure

Petition and fee  
Certified Copy of Priority Application

WELSH & KATZ, LTD.  
120 South Riverside Plaza, 22nd Floor  
Chicago, Illinois 60606  
Phone (312) 655-1500  
Fax No. (312) 655-1501

CERTIFICATE OF MAILING

I hereby certify that this Reply and Amendment and its stated enclosures, in duplicate, and Petition for Two-Month Extension of Time and its fee are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 27, 2005.



Edward P. Gamson